

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO SENTENCING MINUTE SHEET											
CR No: 19-3113-005 JB				USA vs.: Padilla, et al.							
Date: 3/23/2022				Name of Deft: Marcos Ruiz							
Before the Honorable: James O. Browning											
Time In/Out:		3:51 pm – 4:40 pm				Total Time in Court (for JS10):		49 minutes			
Clerk:		L. Rotonda				Court Reporter:		J. Bean			
AUSA:		Shana Long				Defendant's Counsel:		Camille Cordova (appointed)			
Sentencing in:		Albuquerque				Interpreter:		n/a			
Probation Officer:		Ana Ortiz y Martinez				Interpreter Sworn?		<input type="checkbox"/> Yes		<input type="checkbox"/> No	
Convicted on:		<input checked="" type="checkbox"/> Plea			Verdict		As to: <input checked="" type="checkbox"/> Information (Counts 1, 2, 3)		<input type="checkbox"/> Superseding Indictment		
If Plea:		<input type="checkbox"/> Accepted		<input type="checkbox"/> Not Accepted		Adjudged/Found Guilty on Counts:					
If Plea Agreement:		<input checked="" type="checkbox"/> Accepted			<input type="checkbox"/> Not Accepted		<input type="checkbox"/> No Plea Agreement		Comments:		
Date of Plea/Verdict:		7/27/2021		PSR: <input checked="" type="checkbox"/> Not Disputed		<input type="checkbox"/> Disputed		<input checked="" type="checkbox"/> Courts adopts PSR Findings			
Evidentiary Hrg:		<input checked="" type="checkbox"/> Not Needed	<input type="checkbox"/> Needed		<input checked="" type="checkbox"/> Exceptions to PSR:		Not exception, correction to punctuation (see below)				
SENTENCE IMPOSED				Imprisonment (BOP):		18 months as to each of Counts 1, 2, 3 of Information; said terms to run concurrently, for a total term of 18 months.					
Supervised Release:		3 years as to each of Counts 1 and 2 of Information; 1 year as to Count 3 of Information; said terms to run concurrently, for a total term of 3 years.						Probation:			
REC	<input checked="" type="checkbox"/>	500-Hour Drug Program		<input type="checkbox"/> BOP Sex Offender Program		Other:					
ICE	<input type="checkbox"/>	Court recommends ICE begin removal proceedings immediately or during service of sentence							<input type="checkbox"/> ICE not applicable		
SPECIAL CONDITIONS OF SUPERVISION											
<input type="checkbox"/> No re-entry without legal authorization						<input type="checkbox"/> Home confinement for _____ months _____ days					
<input type="checkbox"/> Comply with ICE laws and regulation						<input checked="" type="checkbox"/> Community service for <u>40</u> hours during supervised release.					
<input type="checkbox"/> Participate in/successfully complete subst abuse program/testing						<input type="checkbox"/> Reside halfway house _____ months _____ days					
<input type="checkbox"/> Participate in/successfully complete mental health program						<input type="checkbox"/> Register as sex offender					
<input type="checkbox"/> Refrain from use/possession of alcohol/intoxicants						<input type="checkbox"/> Participate in sex offender treatment program					
<input checked="" type="checkbox"/> Submit to search of person/property						<input type="checkbox"/> Possess no sexual material					
<input type="checkbox"/> No contact with victim(s) and/or co-defendant(s)						<input type="checkbox"/> No computer with access to online services					
<input type="checkbox"/> No entering or loitering near victim's residence						<input type="checkbox"/> No contact with children under 18 years					
<input type="checkbox"/> Provide financial information						<input type="checkbox"/> No volunteering where children supervised					
<input type="checkbox"/> Waive right of confidentiality and allow the treatment provider to release treatment records						<input type="checkbox"/> Restricted from occupation with access to children					
<input checked="" type="checkbox"/> Must not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, etc.) that impair your physical or mental functioning, whether or not intended for human consumption.						<input type="checkbox"/> No loitering within 100 feet of school yards					
<input type="checkbox"/> Must not possess, sell, offer for sale, transport, cause to be transported, cause to affect interstate commerce, import, or export any drug paraphernalia, as defined in 21 U.S.C. 863(d).						<input type="checkbox"/> If defendant is unemployed - Must participate in an educational or vocational services program and follow the rules and regulations of that program					
<p>You must participate in an outpatient substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). You may be required to pay all, or a portion, of the costs of the program.</p> <p>You shall waive your right of confidentiality and allow the treatment provider to release treatment records to the probation officer and sign all necessary releases to enable the probation officer to monitor your progress. The probation officer may disclose the presentence report, any previous substance abuse evaluations and/or other pertinent treatment records to the treatment provider.</p> <p>You must submit to substance abuse testing to determine if you have used a prohibited substance. Testing shall not exceed more than 60 test(s) per year. Testing may include urine testing, the wearing of a sweat patch, and/or any form of prohibited substance screening or testing. You must not attempt to obstruct or tamper with the substance abuse testing methods. You may be required to pay all, or a portion, of the costs of the testing.</p>											
<input checked="" type="checkbox"/> OTHER:											

	<p>You must not use or possess alcohol. You may be required to submit to alcohol testing that may include urine testing, a remote alcohol testing system, and/or an alcohol monitoring technology program to determine if you have used alcohol. Testing shall not exceed more than 4 test(s) per day. You must not attempt to obstruct or tamper with the testing methods. You may be required to pay all, or a portion, of the costs of the testing.</p> <p>You must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program. You may be required to pay all, or a portion, of the costs of the program.</p> <p>You shall waive your right of confidentiality and allow the treatment provider to release treatment records to the probation officer and sign all necessary releases to enable the probation officer to monitor your progress. The probation officer may disclose the presentence report, any previous mental health evaluations and/or other pertinent treatment records to the treatment provider.</p> <p>You must not communicate, or otherwise interact, with codefendant(s)/coconspirator(s) without prior approval of the probation officer.</p>				
Fine: \$	0.00	Restitution: \$		n/a	
SPA: \$	300.00	Payment Schedule:	<input checked="" type="checkbox"/>	Due Immediately	<input type="checkbox"/> Waived
OTHER:					
<input checked="" type="checkbox"/>	Advised of Right to Appeal	<input checked="" type="checkbox"/>	Waived Appeal Rights per Plea Agreement		
<input checked="" type="checkbox"/>	Held in Custody	<input type="checkbox"/>	Voluntary Surrender		
	Recommended place(s) of incarceration:				
<input checked="" type="checkbox"/>	Dismissed Counts:	AUSA moves orally to dismiss Indictment; Defense Counsel confirms no objection. AUSA to file motion and submit proposed order as to same.			
<p>OTHER COMMENTS: Court calls case, counsel enter appearances. Court addresses Counsel as to whether it should find that matter cannot be further delayed without causing harm to interests of justice. Counsel respond in the affirmative; Court so finds, permits counsel and Defendant to appear via Zoom. Court confirms applicable guideline sentencing range. Defense counsel confers with Defendant (off the record). AUSA addresses the Court regarding understanding as to issue raised by Defense Counsel as objection. Court addresses the parties regarding same. Defense Counsel agrees that hearing should move forward as scheduled. Defense Counsel addresses Court regarding requested sentence. Defendant allocutes. AUSA addresses the Court regarding appropriate disposition of case. Defense Counsel addresses Court in response to AUSA's statements. Court states proposed sentence. Counsel indicate no further comment, Court orders sentence imposed as stated. Court addresses counsel regarding PSR. AUSA moves orally to dismiss indictment, Defense Counsel confirms no objection. AUSA will file motion and submit proposed order as to same. Court addresses parties regarding correction to PSR on page 17 at par. 68, in the second full paragraph, wherein semicolon would be changed to a comma. Counsel and USPO indicate no objection; USPO agrees to make change.</p>					